

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

KAREN BACKUES KEIL,	)	
Plaintiff,	)	
v.	)	Cause No.: 5:18-CV-06074-BP
EDWARD BEARDEN, et al.,	)	
Defendants.	)	

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LYNNSEY BETZ,	)	
Plaintiff,	)	
v.	)	Cause No. 5:18-cv-06079-FJG
EDWARD BEARDEN, et al.,	)	
Defendants.	)	

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ASHLEY MARIE OLSON ZIESER,	)	
Plaintiff,	)	
v.	)	Cause No. 5:18-CV-06103-FJG
EDWARD BEARDEN, et al.,	)	
Defendants.	)	

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TERI DEAN,	)	
Plaintiff,	)	
v.	)	Cause No. 5:19-cv-06022-SRB
EDWARD BEARDEN, et al.,	)	
Defendants.	)	

**JOINT MOTION TO CONSOLIDATE FOUR CASES  
FOR PURPOSES OF DISCOVERY ONLY AND FOR EXTENSION OF  
DISCOVERY COMPLETION DEADLINES**

Come now all Parties in the four cases set forth above, pursuant to Federal Rule of Civil Procedure 42, and for their Joint Motion to Consolidate Four Cases for Purposes of Discovery Only, state as follows:

1. In the four cases identified herein, the four separate Plaintiffs are women who allege they were sexually assaulted by Defendant Edward Bearden, who at all relevant times was a corrections officer employed by the Chillicothe Correctional Center.<sup>1</sup> All four Plaintiffs were

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<sup>1</sup> In Dean v. Bearden, et al., there are three additional Department of Corrections employees named as Defendants in addition to Edward Bearden.

incarcerated at the Chillicothe Correctional Center while Defendant Bearden was employed there.

2. Consolidation is appropriate under F.R.C.P. 42 as all four cases involve common questions of law and fact. The assaults described in Plaintiffs' complaints are all alleged to have occurred at the same location and at the hands of an individual employed by the Missouri Department of Corrections. They share common issues related to the locations of the alleged assaults, the opportunity, the relevant procedures and protocols at the correctional center, and the elements of the claims asserted.

3. The parties are about to engage in depositions in these four cases and all four Plaintiffs, who are represented by the same counsel, intend to depose officials who are employed by the Missouri Department of Corrections. These officials are expected to have knowledge of policies and procedures which apply to all four cases, as well as knowledge about the specific and individual allegations by each woman in all four cases.

4. All parties believe it would be most efficient if these state employees, some of whom have managerial positions, are deposed only once regarding all four cases to avoid the time and expense of duplicative questioning over four different depositions.

5. The Parties consent that if any person is being deposed for fewer than all four cases, Counsel taking that deposition will advise all other Counsel, no later than the serving of the Notice of Deposition, for which cases the person is being deposed.

6. The Parties further consent that any remaining written discovery for these four cases can be for one or more cases and said written discovery shall designate for which case or cases the written discovery is intended.

7. Judicial convenience and economy may be promoted by the consolidation of the actions. Consolidation will result in a single deposition of each witness and, therefore, a single need, if necessary, for resolution of discovery disputes relative to these witnesses by a single judge. As a result, the prejudice and confusion of multiple inconsistent adjudications can be avoided through consolidation.

8. The Parties understand that generally consolidation occurs by having the Court in the oldest case taking jurisdiction over the matters, but the Parties understand the Judges involved in these four cases may confer and determine how best to handle any discovery disputes which may occur.

9. The Parties further suggest that the discovery cut-off of June 30, 2020 in Dean v. Bearden, et al. (Cause No. 5:19-cv-06022-SRB) apply to all four cases to allow for the completion of the anticipated depositions. Accordingly, by this motion, the Parties move for extensions of the discovery deadlines in Keil v. Bearden, Betz v. Bearden, and Zieser v. Bearden. The Parties also move for a continuance of the trial setting in Keil v. Bearden for the purposes of completing this necessary discovery.<sup>2</sup>

10. The Parties do not request extension of any expert disclosure deadlines nor do they request consolidation for purposes of trial.

WHEREFORE, all Parties pray that the Court issue an Order consolidating the four cases whose captions appear above for purposes of discovery only, requiring the parties to designate in their notice of deposition or written discovery if such deposition or written discovery is for purposes of all four cases, or which case or case if fewer than all four, extend the discovery

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<sup>2</sup> There is no trial setting at this time in Betz v. Bearden or Zieser v. Bearden.

completion deadline in each case to June 30, 2020, and for such other and further relief as may be appropriate.

Respectfully submitted,

/s/ John Ammann

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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion to Consolidate has been served upon all Counsel via the ECF filing system this 9th day of January, 2020.

/s/ John J. Ammann  
John J. Ammann